not liable to contribute in general average; by Portuguese law such a draft must contribute. The owner of the vessel paid the loan. *Held*, that the amount received in payment of the draft is chargeable with a proportionate liability in the computation of general average contribution. *Monsen* v. *Amsinck*, 166 Fed. 817.

General average contribution does not arise from any implied contract, but has become a part of maritime law, adopted from the old Rhodian laws. See *Burton* v. *English*, 12 Q. B. D. 218. The principal case follows the general rule that the law of the port of destination governs the adjustment and payment of general average. *Loring* v. *Neptune Ins. Co*, 20 Pick. (Mass.) 411. If, however, the voyage is completely broken up and the ship and cargo finally part company before reaching the port of destination, the law of the place where the interests are separated governs. *Fletcher* v. *Alexander*, L. R. 3 C. P. 375. But if the cargo is forwarded by the original master to the port of destination, then its laws govern. *Nat. Board* v. *Melchers*, 45 Fed. 643. Although it cannot be said that any particular court creates the right to general average contribution, it is only proper, when goods have come within the jurisdiction of a certain court and are subject to general average, that the schedule of distribution as laid down by that court should be recognized everywhere.

HIGHWAYS — REGULATION AND USE — UNDERGROUND LICENSES. — The plaintiff, a public service corporation, was licensed to run pipe lines of complicated structure under the highway. The defendant secured a permit to build a vault under the adjacent sidewalk up to the curb. In the course of this later construction the soil below the plaintiff's pipe line settled, resulting in injury to the pipes. The defendant was free from negligence. *Held*, that the defendant is liable. *New York Steam Co.* v. *Foundation Co.*, 40 N. Y. L. J. 2723 (N. Y., Ct. App., March 16, 1909).

The natural right of lateral support is incident to an estate in land. *Schultz* v. *Bower*, 57 Minn. 493. It seems never to have been extended in favor of mere rights in land. Its application to situations like that in the case under consideration would unjustly throw additional burdens on the proposed servient tenement. *Cf. Gayford* v. *Nicholls*, 9 Exch. 702. And in applying the maxim that no man may so use his own as to injure the property of another the court affords no *ratio decidendi;* for the very question in issue is whether there has been a legal injury. See *Bonomi* v. *Backhouse*, 27 L. J. Q. B. 378, 388. Many uses of land resulting in damage to neighbors are *damna absque injuria. Booth* v. *Ry. Co.*, 140 N. Y. 267. In these cases liability depends upon the reasonableness of the exercise of the right of property. *Steel Co.* v. *Kenyon*, 11 Ch. D. 782. The present case seems to be one of first impression. Since the defendant was exercising a mere license, the policy against restraining the natural use of property has no application; and in casting a liability on one who for private rather than for public purposes undertakes work on land not his own resulting in damage to the property of another, the court perhaps reaches a desirable result.

INJUNCTIONS — ACTS RESTRAINED — COLLECTION OF UNCONSTITUTIONAL TAX. — The plaintiff company was engaged in supplying the defendant city with water. The city by an ordinance levied a license tax upon the company, which then sought an injunction from a federal court to restrain its collection as an impairment of the obligation of the original franchise granted by the city. The defendant city demurred. *Held*, that the plaintiff is not entitled to an injunction, since it has an adequate remedy at law. *Boise, etc., Water Co.* v. *Boise City*, U. S. Sup. Ct., April 5, 1909.

Injunctions against the exercise of the taxing power of the state or federal sovereignty seem clearly unjustifiable where the remedy at law is adequate. In almost all the states, accordingly, the courts will not enjoin the collection of taxes imposed by the legislature on the sole ground of their unconstitutionality. *Mechanics', etc., Bank* v. *Debolt*, 1 Oh. St. 591. By statute the federal courts are precluded from restraining the assessment or collection of federal taxes on